



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Confirmation No. 8106

Yo TSURUMI et al. Group Art Unit: 3681

Serial No.: 10/809,713 Examiner: David D. Le

Filed: March 26, 2004 Attorney Docket No. 59558.00025

For: INTERNAL TEETH OSCILLATION TYPE INNER GEARING PLANETARY GEAR SYSTEM

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 8, 2005

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal Disclaimer.

Enclosed is a check in the amount of Three Hundred and Eighty Dollars (\$380.00), One Hundred and Thirty Dollars (\$130.00), of which is to cover the required fee. In the event that any additional fees are due with respect to this paper, please charge Counsel's Deposit Account No. 50-2222.

Respectfully submitted,

Arlene P. Neal

Arlene P. Neal  
Reg. No. 43,828

**Customer Number 32294**

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Enclosures: Petition for a One-Month Extension of Time; Response to Office Action; Terminal Disclaimer; and Check No. 13752

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In re application of:

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TERMINAL DISCLAIMER UNDER 37 CFR 321(c)

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, SUMITOMO HEAVY INDUSTRIES, LTD., having its place of business at 9-11, Kitashinagawa 5-chome, Shiagawa-ku, Tokyo 141-8686, Japan, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 10/809,713, filed March 26, 2004, for INTERNAL TEETH OSCILLATION TYPE INNER GEARING PLANETARY GEAR SYSTEM, the assignment for the application being recorded in the Patent and Trademark Office on March 26, 2004 at Reel 015153, Frame 0123. Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent Application Serial No. 10/803,102, filed March 18, 2004, for INTERNAL TEETH OSCILLATING INNER GEARING PLANETARY GEAR SYSTEM the assignment for this application being recorded in the Patent and Trademark Office on March 18, 2004 at Reel 015112, Frame 0134.

12/09/2005 JADDO1 00000081 10809713  
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Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. 10/809,713, which would extend beyond the expiration date of any patent granted on application Serial No. 10/803,102 when issued, and hereby agrees that any patent so granted on application Serial No. 10/809,713, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to any patent granted on application Serial No. 10/803,102, this agreement to run with any patent granted on application Serial No. 10/809,713, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on application Serial No. 10/803,102 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, SUMITOMO HEAVY INDUSTRIES, LTD.,

hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

Respectfully submitted,

SUMITOMO HEAVY INDUSTRIES, LTD.

Date: December 2, 2005

By: Eiichi Fujita  
(Signature)

Eiichi FUJITA

(Name)

Board Director  
Senior Executive Vice President  
(Title)